

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED
PARTNERSHIP, a New Mexico
Limited Partnership,

Plaintiff,

vs.

Civ. No. 00-655 MV/WWD (ACE)

CONOCO INC., a Delaware
corporation, AMOCO PRODUCTION
COMPANY a Delaware corporation,
and AMOCO ENERGY TRADING
CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Amoco's Motion for Extension of Time to Respond to Discovery [Docket #531] filed August 20, 2002. I have received a Response to the motion, and because of the timing of the motion and the possible effect of the ruling on other matters, it is not feasible to wait for the filing of a Reply. Ordinarily, granting an extension of one week for responding to discovery would not be a major issue; however, Plaintiff alleges that "Amoco's attempt to further delay production of the Court ordered documents is a transparent ploy to deny the Class discovery of all facts pertaining to Amoco's April 19 letter and its intent to compromise Class claims until it is too late for Class [Plaintiff's] counsel to react".

Unfortunately, recent tactics employed by Defendants raise questions as to whether this motion is yet another effort to delay the prosecution of this law suit and to nullify the rulings of the Court. Accordingly, I find that the motion seeking an extension of time for the discovery ordered by the

Court should be denied. Whether sanctions should be imposed, and what sanctions, if any, should be imposed will be determined later in light of Amoco's actions in connection with issues raised in the submissions filed in connection with this motion.

WHEREFORE,

IT IS ORDERED that Amoco's Motion for Extension of Time to Respond to Discovery [Docket #531] be, and it is hereby, **DENIED**.


UNITED STATES MAGISTRATE JUDGE